

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ETHYPHARM S.A. FRANCE and
ETHYPHARM S.A. SPAIN,

Plaintiffs,

v.

BENTLEY PHARMACEUTICALS, INC.,

Defendant.

Civil Action
No. 04-1300-SLR

**STIPULATION CONCERNING THE APPENDICES OF EXHIBITS TO BE FILED IN
CONNECTION WITH DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

The parties to the above-captioned matter respectfully submit the following Stipulation concerning the filing of the appendices of exhibits in connection with Defendant's forthcoming Motion for Summary Judgment.

As grounds therefor, the parties state as follows:

1. By Order dated July 20, 2006, summary judgment motions pertaining to the issue of agency are to be filed in this case on or before August 25, 2006.
2. Local Rule 7.1.3(d) requires that an "English translation made under the authority of the Court or agreed by the parties to be correct, shall be included in the appendix or in the record."
3. The appendices to be filed with the summary judgment motion and opposition will include a substantial number of exhibits that must be translated into English, reviewed and agreed by both parties before they can be filed with the Court. Therefore, and in order to comply

with the scheduling order and the requirements of Local Rule 7.1.3(d), the parties stipulate and agree as follows:

- (i) Defendant's Summary Judgment Motion and accompanying Opening Brief will be filed and served as required by Court Order on or before Friday, August 25, 2006. Defendant will serve its Appendix of Exhibits – including any proposed English translations of these exhibits - upon Plaintiffs on August 25, 2006 but the Appendix of Exhibits will not be filed with the Court on that date. The Appendix of Exhibits with agreed upon English translations will be filed with the Court following Plaintiffs' review of the English translations and the parties' discussion and agreement regarding the accuracy of those translations. Defendant's Appendix of Exhibits will be filed no later than September 15, 2006.
- (ii) Plaintiffs' Opposition will be filed and served as required by Court Order on or before Friday, September 15, 2006. Plaintiffs will serve their Appendix of Exhibits – including any proposed English translations of these exhibits - upon Defendants on September 15, 2006 but the Appendix of Exhibits will not be filed with the Court on that date. The Appendix of Exhibits with agreed upon English translations will be filed with the Court following Defendant's review of the English translations and the parties' discussion and agreement regarding the accuracy of those translations. Plaintiffs' Appendix of Exhibits will be filed no later than September 26, 2006.
- (iii) Defendant's Reply will be filed as required by Court Order on or before Friday, September 22, 2006. Defendant's will serve any supplemental exhibits with English translations upon Plaintiffs on September 22, 2006 and will file any such supplemental exhibits with the Court no later than October 3, 2006 after obtaining the agreement of the Plaintiffs regarding the accuracy of the English translations.

DATED: August 24, 2006

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SO ORDERED, this ____ day of August, 2006

The Honorable Sue L. Robinson
United States District Court Judge